

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**NACHIAPPAN SUBBIAH MUTHUKUMAR, §
Plaintiff, §
§
v. §
§**

No. 3:12-CV-2007-B

**BANKSTON NISSAN LEWISVILLE,
Defendant. §
§**

**FINDINGS CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to the provisions of 28 U.S.C. § 636(b) and an order of the District Court, this case has been referred to the United States Magistrate Judge. The findings, conclusions and recommendation of the Magistrate Judge follow:

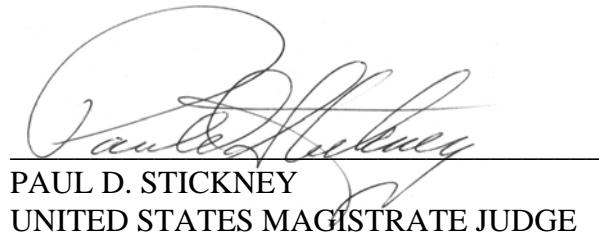
Plaintiff filed this action *pro se* and has filed a motion to proceed *in forma pauperis*.

Petitioner states he and his wife have \$4,000 in their bank accounts. The Court finds Petitioner is not a pauper and hereby recommends that Petitioner's motion to proceed *in forma pauperis* be denied.

RECOMMENDATION

The Court recommends that the District Court deny Plaintiff leave to proceed *in forma pauperis*. The Court further recommends that the District Court dismiss this action, unless Plaintiff tenders the \$350.00 filing fee to the District Clerk within fourteen (14) days of the filing of this recommendation.

Signed this 28th day of August, 2012.



PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

A copy of this report and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See 28 U.S.C. § 636(b)(1); FED. R. Civ. P. 72(b).* In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Services Automobile Ass'n, 79 F.3d 1415, 1417 (5th Cir. 1996).*